

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1 and 3-19 have been amended. New claim 21 has been added. Claims 1-21 are pending and under consideration. Support for the claims as amended can be found in the original specification. Specifically, at page 11, lines 12-19 of the specification, it is disclosed that the operational control of a communication apparatus of the present invention can be based on the difference in frequencies among illuminations received by the communication apparatus. One of ordinary skill in the art would appreciate that these frequencies could include a flicker frequency, as would be present in a fluorescent illumination received by the communication apparatus.

I. Rejections under 35 U.S.C. § 102

In the Office Action, at page 2, numbered paragraphs 1-2, claim 7 was rejected under 35 USC § 102(e) as being anticipated by Baer et al. (U.S. Patent No. 6,782,266).

Baer et al. does not discuss or suggest “a detection unit that detects a second wave having a predetermined flicker frequency in a predetermined area,” as recited in amended claim 7. Baer et al., as relied on by the Examiner, discloses that a second transceiver communicates with a restricted wireless zone (RZW) communication system and is not restricted from operating in the restricted wireless zone. More specifically, Baer et al. discloses that the second transceiver is enabled in the restricted wireless zone during a period in which the first transceiver is disabled. In this regard, the second transceiver is designed to communicate in the restricted wireless zone using a different protocol than the first transceiver, during a period when the first transceiver is restricted from communicating. As such, the second transceiver of Baer et al. does not provide the same function as the detection unit of amended claim 7. The second transceiver of Baer et al. is not provided for *detecting* a wave having a *predetermined flicker frequency*. In contrast, the invention of amended claim 7 provides a detection unit that *detects* a *second wave* having a *predetermined flicker frequency*.

Since Baer et al. does not discuss or suggest “a detection unit that detects a second wave having a predetermined flicker frequency in a predetermined area,” as recited in amended claim 7, it follows that Baer et al. does not discuss or suggest “a stop control unit that stops the radio communication unit from performing a communication function when the detection unit detects the second wave having the predetermined flicker frequency,” as recited in amended

claim 7. In other words, the communication function of the communication apparatus of claim 7 *is based on the detection* of a second wave having a *predetermined flicker frequency*. In contrast, Baer et al. makes no mention of regulating the communication function based on the receipt of wave frequencies by the communication apparatus, much less based on the receipt of a predetermined flicker frequency. In fact, Baer et al. does not attempt to stop communication within the restricted wireless zone, but instead merely seeks to switch from a first communication protocol to a second, less intrusive, protocol, thereby allowing communication to continue within the restricted wireless zone. In contrast, the stop control unit of the invention of claim 7 *stops* the radio communication unit from communicating in a predetermined area that is defined by the detection of a second wave having a predetermined flicker frequency.

Since Baer et al. does not discuss or suggest either “a detection unit that detects a second wave having a predetermined flicker frequency in a predetermined area” or “a stop control unit that stops the radio communication unit from performing a communication function when the detection unit detects the second wave having the predetermined flicker frequency,” as recited in amended claim 7, claim 7 patentably distinguishes over Baer et al. Accordingly, withdrawal of this § 102(e) rejection is respectfully requested.

II. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 3-5, numbered paragraphs 3-4, claims 1 and 12 were both rejected under 35 USC § 103(a) as being unpatentable over Baer et al. in view of Fujii (U.S. Patent No. 6,985,729).

As discussed above, Baer et al. does not discuss or suggest “a detection unit that detects a second wave having a predetermined flicker frequency in a predetermined area” or “a stop control unit that stops the radio communication unit from performing a communication function, according to an instruction from the user,” as recited in amended claim 1. Fujii does not make up for this deficiency in Baer et al. Specifically, Fujii does not discuss or suggest “a detection unit that detects a second wave having a predetermined flicker frequency in a predetermined area” or “a stop control unit that stops the radio communication unit from performing a communication function, according to an instruction from the user,” as recited in amended claim 1. Thus, even if Baer et al. and Fujii were combined, as proposed in the Office Action, the invention of claim 1 would not result. Therefore, claim 1 patentably distinguishes over Baer et al. and Fujii. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

As discussed above, Baer et al. does not discuss or suggest “a detection unit that detects a second wave having a predetermined flicker frequency in a predetermined area, and that determines an attribute of the predetermined area” or “a stop control unit that stops the radio communication unit from performing a communication function according to an instruction from the user when the notification is notified, and that stops the radio communication unit from performing the communication function when the attribute indicates the prohibited area,” as recited in amended claim 12. Fujii does not make up for this deficiency in Baer et al. Specifically, Fujii does not discuss or suggest “a detection unit that detects a second wave having a predetermined flicker frequency in a predetermined area, and that determines an attribute of the predetermined area” or “a stop control unit that stops the radio communication unit from performing a communication function according to an instruction from the user when the notification is notified, and that stops the radio communication unit from performing the communication function when the attribute indicates the prohibited area,” as recited in amended claim 12. Thus, even if Baer et al. and Fujii were combined, as proposed in the Office Action, the invention of claim 12 would not result. Therefore, claim 12 patentably distinguishes over Baer et al. and Fujii. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

In the Office Action, at pages 3-8, numbered paragraphs 3-7, claims 2-6, 8-11, and 13-20 were all rejected under 35 USC § 103(a) as being unpatentable over Baer et al. in view of various combinations of Fujii, Lipovski (U.S. Patent Application No. 2004/0087318), and Vannel et al. (U.S. Patent No. 6,760,605).

Claims 2-6, 8-11, and 13-20 depend either directly or indirectly from independent claims 1, 7, and 12, respectively, and include all the features of claims 1, 7, and 12, respectively, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 2-6, 8-11, and 13-20 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

III. New Claim

New independent claim 21 has been added. None of the prior art cited by the Examiner discusses or suggests “detecting a second wave having a predetermined flicker frequency in a predetermined area” or “stopping the communication unit from performing a communication function when the second wave having the predetermined flicker frequency has been detected,” as recited in claim 21. Therefore, new claim 21 patentably distinguishes over the references relied upon. Thus, it is submitted that new claim 21 is in a condition suitable for allowance.

CONCLUSION

Claims 1 and 3-19 have been amended. New claim 21 has been added. Claims 1-21 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

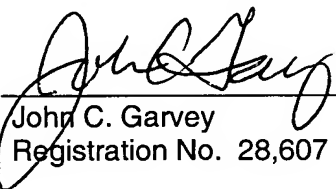
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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